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Appln. No.: 10/780,691
Amendment dated July 5, 2007
Reply to Office Action of June 1, 2007

REMARKS/ARGUMENTS

The Office Action of June 1, 2007, has been carefully reviewed and these remarks are responsive thereto. Claims 1, 3, 8, and 11 have been amended, and claim 2 has been canceled. Claims 1 and 3-21 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested. No new matter has been added.

Summary of Telephonic Interview of July 5, 2007

Applicants thank examiner Frejd for the telephonic interview with undersigned counsel on July 5, 2007. This section and the remainder of this Response constitute the summary of the interview to the extent required by USPTO rules.

Rejection under 35 U.S.C. § 101

During the interview, Applicants' undersigned counsel and examiner Frejd discussed the pending rejection of the claims under 35 U.S.C. § 101 in sections 2.2.1 and 2.2.2 of the Office Action. Per agreement reached during the interview, Applicants agreed to amend claim 11 to clarify that weather based on the stored data is rendered on a display screen for presentation to a user *based on the user's starting position within the computer game*. Having amended the claim as such, Applicants respectfully request the rejection be withdrawn.

Applicants' undersigned counsel and the examiner also discussed the pending rejection of the claims under 35 U.S.C. § 101 in section 2.2.3 of the Office Action. Applicants noted during the interview that the claims 1 and 21 recite a tangible computer readable medium, i.e., a *physical* computer readable medium, which precludes the ability to read the claims on a carrier signal. Such claims are thus statutory and allowable in their present form.

Rejection under 35 U.S.C. § 102

Claims 1, 5, 6, and 11 stand rejected under 35 U.S.C. § 102 as being anticipated by the *War Games* article. Applicants traverse, having amended claim 1 to incorporate the

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limitations of allowable but now canceled claim 2. During the interview Applicants' undersigned representative explained that claim 11 contains a similar limitation as found in allowable claim 2, and agreed to the present amendment of claim 11 clarifying that "the plurality of sub-data fields, each sub-data field defining a *different* weather layer" refers to a plurality of weather layers as recited in allowable claim 2.

Allowed Subject Matter

The Office Action indicates that claims 2-4, 7-10, and 12-20 would be allowable if rewritten in independent form. Applicants have amended claim 1 to incorporate the limitations of allowable but now canceled claim 2, and have amended allowable claim 8 into independent form. Independent claim 11 is allowable based on the current amendment as agreed during the interview. Independent Claim 21 stands allowed.

CONCLUSION

All issues and rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this 5th day of July, 2007

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